

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 0536

UNITED STATES OF AMERICA,

Plaintiff,

08 FEB 28 AM 9:46

FILED Magistrate Case No. _____

v.

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Jose Antonio MENDEZ-Castro)

Defendant.)

BY: *[Signature]*

Title 8, U.S.C., Section 1324(a)(2)(B)(iii)-
 Bringing in Illegal Alien(s)
 Without Presentation
 Title 8, U.S.C., Section 1324(a)(2)(B)(ii)-
 Bringing in Aliens for Financial Gain
 Title 18, U.S.C., Section 2-
 Aiding and Abetting

The undersigned complainant being duly sworn states:

Count I

On or about **February 22, 2008**, within the Southern District of California, Defendant **Jose Antonio MENDEZ-Castro**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Gloria SOTO-Estrada**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

Count II

On or about **February 22, 2008**, within the Southern District of California, Defendant **Jose Antonio MENDEZ-Castro**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Gloria SOTO-Estrada** and **Ramon SANDOVAL-Luna**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens for the purpose of commercial advantage and private financial gain; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(ii), and Title 18, United States Code, Section 2.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT
 Sara Esparagoza, United States Customs
 and Border Protection Enforcement Officer

Sworn to before me and subscribed in my presence, this **25th** day of **February, 2008**.



UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

I, United States Customs and Border Protection (CBP) Enforcement Officer Jacob James, declare under penalty of perjury the following to be true and correct:

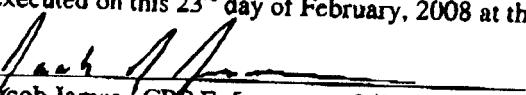
The complainant states that **Ramon SANDOVAL-Luna, and Gloria SOTO-Estrada**, are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On February 22, 2008, at approximately 2326 hours, **Jose Antonio MENDEZ-Castro, (Defendant)**, made application for admission into the United States from Mexico through vehicle primary lanes at the San Ysidro Port of Entry. Defendant was the driver of a 1997 Honda Accord. Defendant was accompanied by a male passenger later identified as **Ramon SANDOVAL-Luna, (MW1)**. Defendant presented a California identification bearing his name and biographical information to a Customs and Border Protection (CBP) Officer. Defendant also presented a Permanent Resident Card for MW1 bearing the name REYES-Arias, Jose A. CBP Officer received a computer generated alert that the vehicle Defendant was driving was stolen. CBP Officer asked Defendant who owned the vehicle. Defendant stated that he had purchased the vehicle two weeks previously at a small dealership in Tijuana Mexico. CBP Officer escorted the vehicle and its occupants to the secondary area for further inspection.

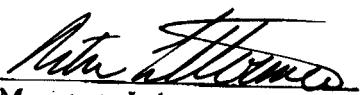
In secondary it was determined that MW1 was an impostor to the Permanent Resident Card. During inspection of the vehicle a non factory compartment was discovered behind the rear seat containing a female later identified as **Gloria SOTO-Estrada, (MW2)**.

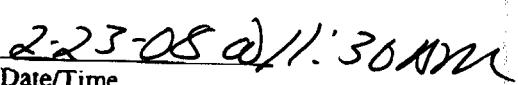
Separate videotaped interviews were conducted with Material Witnesses. Material Witnesses admitted to being citizens of Mexico without documentation to enter the United States. Material Witnesses admitted they made the arrangements to be smuggled into the United States. MW1 stated he was to pay \$800 (USD). MW2 stated she was to make payment arrangements once inside the United States, but did not know the amount. Material Witnesses stated they were traveling to Los Angeles California to seek employment.

Executed on this 23rd day of February, 2008 at the San Ysidro Port of Entry.


Jacob James / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (1) page, I find probable cause to believe that the defendant named therein committed the offense on February 22, 2008 in violation of Title 8, United States Code, Section 1324.


Magistrate Judge


Date/Time